

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeffrey Jeter,)	
)	C/A No. 6:07-3878-MBS
Petitioner,)	
)	
vs.)	
)	O R D E R
John LaManna, Warden,)	
)	
Respondent.)	
_____)	

At the time of filing of the within petition, Petitioner Jeffrey Jeter was an inmate in custody of the Federal Bureau of Prisons (FBOP).¹ Petitioner brought this action pursuant to 28 U.S.C. § 2241, asserting that the FBOP was not giving him credit for time served.

This matter is before the court on motion for summary judgment filed by Respondent on January 23, 2008. On January 24, 2008, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the summary judgment procedure and the possible consequences if he failed to respond adequately. Petitioner filed no response to the motion for summary judgment. By order filed March 18, 2008, Petitioner was granted until April 11, 2008 to file his response to the motion for summary judgment. Petitioner was advised that, if he failed to respond, his petition would be subject to dismissal pursuant to Fed. R. Civ. P. 41(b). Petitioner filed no response to the motion for summary judgment or to the March 18, 2008 order.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. On May 12, 2008, the Magistrate Judge issued a Report of Magistrate Judge in which he recommended that the within

¹ According to the FBOP website, Petitioner was released on December 31, 2007. Petitioner filed a notice of change of address on January 2, 2008.

action be dismissed pursuant to Fed. R. Civ. P. 41(b). Petitioner filed no response to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. The within action is dismissed with prejudice pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 9, 2008.

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.